

Appl. No. 10/597,211  
Amdt. Dated April 30, 2009  
Reply to Office action of February 10, 2009

**Amendments to the Drawings:**

Attachment: One Replacement Sheet including the addition of the phrase “prior art” to FIG. 1.  
No new matter is entered.

### **Remarks / Arguments**

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1 and 3 are currently amended. Claim 1 has been amended to correct a typographical error regarding punctuation.

Applicant would like to thank the Examiner for the time spent in a telephone interview on April 6, 2009. The cited reference Wicker et al. (US 2006/0022379) was discussed. Specifically, the Examiner agreed with the applicant's representative that the Wicker et al. reference cannot properly be relied upon as prior art because the earliest priority date of the instant application (February 6, 2004) pre-dates the earliest date of Wicker et al. (July 30, 2004). No exhibits were shown.

Figure 1 was objected to for lack of a designation of "prior art." Accordingly, per the Examiner's suggestion, a replacement sheet for Figure 1 is provided that includes the phrase "prior art." No new matter is entered. Withdrawal of the objection is hereby requested.

Claims 3-10 were rejected under 35 USC 112 as being indefinite for reciting a process inside an apparatus claim. Accordingly, the phrase cited by the Examiner has been deleted from claim 3. Additionally, per the Examiner's suggestion, the word "two" has been added to claim 3 to complete the phrase "at least two jets." No new matter is entered. Withdrawal of the rejections for claims 3-10 is hereby requested. Accordingly, it is respectfully submitted that claims 3-10 are now in condition for allowance.

Claims 1-9 were rejected under 35 USC 103(a) as being unpatentable over Sanders et al (WO/95/05943) in view of Wicker et al. (US 2006/0022379). Similarly, claim 10 was rejected under 35 USC 103(a) in view of these two references, and further in view of Russell et al. (US 2004/0265413). Thus, all of the 103(a) rejections rely upon Wicker et al.

However, the Wicker et al. reference cannot properly be relied upon as prior art because the earliest priority date of the instant application, based upon French Patent Application No. 0450211 filed February 6, 2004, pre-dates the earliest date of Wicker et al. filed on July 30, 2004. The certified copy of the French priority document appears in the instant file history as early as May 31, 2008.

Per MPEP 201.15, an English translation of the certified copy of the French priority document is filed herewith, along with a statement that the translation of the certified copy is accurate. Withdrawal of the rejections for claims 1-10 is hereby requested. Accordingly, it is respectfully submitted that claims 1-10 are now in condition for allowance.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. BRV-40914.

Respectfully submitted,  
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